

THE HONORABLE ROBERT J. BRYAN

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARGARET DIBB, SHAUNA OVIST, and
WENDY CONDOS on behalf of herself and
on behalf of others similarly situated,

Plaintiffs,

vs.

ALLIANCEONE RECEIVABLES
MANAGEMENT, INC.,

Defendant.

NO. 3:14-CV-05835-RJB

**DECLARATION OF SAM LEONARD
IN SUPPORT OF MOTION FOR
APPROVAL OF PAYMENT OF
ATTORNEYS' FEES AND COSTS**

I, Sam Leonard, declare as follows:

1. I am one of the attorneys of record for Plaintiffs in this action and the sole proprietor of Leonard Law.

2. I make this declaration based on my personal knowledge and after a review of Leonard Law's records as well as my billing and costs records from my prior firms relating to this case.

3. I have spent over 332 hours on this matter since November 2014 in my capacity as a solo practitioner. I also spent 55 hours of time working on this matter while an associate of Leen and O'Sullivan prior to November 17, 2014. My time at Leen and O'Sullivan is not the subject of this declaration and is discussed in the Declaration of David Leen in Support of Motion for Approval of Payment of Attorneys' Fees and Costs.

1 4. On August 29, 2014, I first met with Margaret Dibb while an associate at Leen
2 and O'Sullivan. During our initial meeting, Ms. Dibb retained myself and Leen and O'Sullivan
3 to represent her in the King County District Court case of *AllianceOne Receivable*
4 *Management, Inc. v. Margaret Dibb et al*, case number 133-15386 (hereinafter "the Dibb
5 Action").

6 5. I filed this matter while an associate of Leen and O'Sullivan where my billable
7 hourly rate for contingent collection abuse matters was, at that time, \$300.00. I have
8 transferred firms twice since first meeting with Ms. Dibb and then, in November of 2015, I
9 started my own practice. I have remained Ms. Dibb's attorney and Class Counsel since August
10 29, 2014.

11 6. Around eighty percent of my current practice focuses on debt collection abuse
12 and debt defense cases. Primarily, I provide low-bono and contingent fee structures to my
13 clients who often cannot afford the current market rate for legal services. I am one of only a
14 handful of practitioners, that I know of, whose legal practice focuses on debt collection abuse
15 cases not primarily related to foreclosure.

16 7. Since starting my practice in November of 2015, I have helped over 50
17 individuals facing debt collection. Many of my clients' collection matters were in active
18 litigation in one of Washington's Superior Courts when I was retained. I have argued motions
19 and drafted pleadings in matters pending before Washington state courts and both the United
20 States District Court for the Western District of Washington and the United States Bankruptcy
21 Court for the Western District of Washington. *See e.g. Federal Deposit Insurance Corporation*
22 *as Receiver for Westsound Bank v. Davidyuk et al*, Civ. No. 2:13-cv-01592-JLR (W.D. Wa
23 2013); *Pogrebinsky et al v. CACH, LLC*, Civ. No. 2:16-cv-01607-TSZ (W.D. Wa 2016);
24 *Weinkauff v. Veristone Mortgage, LLC, et al*, Civ. No. 3:16-cv-05471-RBL (W.D. Wa 2016); *In*
25 *re: Stephen Joseph Armstrong*, Civ. No. 16-10670-CMA (Bankr. W.D. Wa. 2016); *Columbia*
26 *Recovery Group v. Dodd et al*, Cs. No. 16-2-23043-1 (King Co. Sup. Ct. 2016); *CACH, LLC v.*

1 *Toby Smith*, Cs. No. 15-2-20977-9 (King Co. Sup. Ct. 2015); and *Columbia Credit Services,*
 2 *Inc. v. Russell Brandt*, 05-2-15410-1 (King Co. Sup. Ct. 2005), *appeal pending*, No. 76707-1-I
 3 (Wash. Ct. App. Div. I 2017).

4 8. I received a B.A. from Central Washington University in Ellensburg,
 5 Washington in 2004. In 2013, I received my J.D. cum laude from Seattle University School of
 6 Law, where I was President of the Public Interest Law Foundation, and a clinic student in the
 7 Korematsu Center Civil Rights Amicus Clinic. In 2014, I wrote an opinion article, “The
 8 bankruptcy trap in student-loan debt,” which was published in The Seattle Times.

9 9. I am actively involved in professional organizations and nonprofits engaged in
 10 consumer protection and debt collection abuse litigation. I am a member of the National
 11 Association of Consumer Advocates and in October of 2016 I attended the Consumer Rights
 12 Litigation Conference hosted by the National Consumer Law Center. At the conference, I
 13 attended over 16 hours of continuing legal education classes on consumer and debt collection
 14 abuse litigation. I am also a member of the Public Justice Foundation and donate my time
 15 working with the board of the Northwest Consumer Law Center to help insure that persons
 16 with limited financial means can obtain legal services.

17 10. Since 2008, I have volunteered at the King County Bar Association’s
 18 Neighborhood Legal Clinic that specializes in debt issues. For the last three years, I have
 19 volunteered in my capacity as a debt defense and bankruptcy attorney. I am also a volunteer
 20 attorney for the Northwest Justice Project’s debt clinic located in the King County Superior
 21 Court Law Library.

22 11. Since the beginning of this case, I have worked with no guarantee of
 23 compensation for my time and expenses. My fees in both the State Court Action and this action
 24 have always been contingent on obtaining a successful outcome for Plaintiffs and the class. For
 25 nearly three years I have worked on this case facing a substantial risk of non-payment. My
 26 work on this case has meant that I was unable to take other fee generating cases or less complex

1 cases that would resolve in a much shorter time.

2 12. As of May 30, 2017, in my capacity as a solo practitioner, I have a total lodestar
3 of \$99,360.00 based on 331.2 hours of work at my usual contingent rate of \$300.00 an hour.
4 My time has been spent: drafting and editing legal briefs filed in this action, which includes
5 substantial work performed on all briefing prior to association with current co-counsel;
6 performing legal research concerning Washington's UCC and debt collection laws; performing
7 factual research through public disclosure requests made to various state and municipal
8 agencies and reviewing thousands of pages of documents provided as a result of the requests;
9 investigating and reviewing state and municipal collection contracts held by AllianceOne
10 through document requests and interview of personnel at Washington State Department of
11 Enterprise Services; investigating other factual matters relating to the Plaintiffs and
12 AllianceOne and AllianceOne's customers; reviewing AllianceOne's discovery responses and
13 helping Plaintiffs provide discovery responses including document production; interviewing
14 potential witnesses; communicating with opposing counsel and AllianceOne attorneys in the
15 State Court Action; acting as the primary contact for Plaintiff Dibb; working to resolve the
16 State Court Action by drafting pleadings, arguing at hearings and working with opposing
17 counsel to settle that matter; helping to evaluate potential damages at multiple stages of
18 litigation; drafting and reviewing correspondence between myself and state public records
19 employees; and preparing for depositions; preparing for and attending both mediation sessions.

20 13. My rate is based on my experience, the risk involved in litigating this matter on
21 contingency, the complexity of the case and the rates charged by other lawyers of similar skill
22 and experience. The rate is my current standard hourly rate for contingent debt collection abuse
23 cases. My rate is the same rate billed for my time on this matter that was incurred while I was
24 employed at Leen and O'Sullivan.

25 14. I have reviewed all of my time billed on this matter and believe it all to be
26 compensable. While recording my time, when appropriate, I reduced the actual amount of time

1 spent on a task to the amount of time I believe to be reasonable for a person of my experience.
 2 On many occasions, I did not record all of my time spent coordinating, meeting, or otherwise
 3 communicating with co-counsel. I reduced or omitted my actual time when I felt I did not
 4 contribute legal or factual expertise during a communication or activity. I have also omitted
 5 time spent reviewing emails and other communications that I received on this matter that were
 6 for the sole purpose of keeping me abreast of the current status of the case. There were
 7 hundreds and perhaps thousands of emails and other communications between Plaintiffs'
 8 counsel regarding this matter, only a fraction of which I have recorded time for.

9 15. Through the date of this submission, I have personally, reasonably and
 10 necessarily incurred \$109.12 in unreimbursed litigation expenses reasonably related to the
 11 prosecution of this case. These expenses are customarily charged to and paid by hourly clients.
 12 The expenses were for the purchase of state court documents and travel expenses, and are
 13 detailed as follows:

Date	Description	Cost
1/7/2015	King County District Court Document Download	\$6.74
6/22/2015	Travel to and from A1 in Gig Harbor for delivery of satisfaction payment - includes toll	\$55.86
6/30/2015	Drive to and from Issaquah for District Court Hearing	\$20.52
7/2/2015	Purchase CD of KCDC Hearing Recording	\$10.00
2/15/2017	Mediation parking	\$16.00
TOTAL		\$109.12

21 I declare under penalty of perjury of the laws of the State of Washington and the United
 22 States of America that the foregoing is true and correct, and that this declaration was executed
 23 in Seattle, Washington, on this 2nd day of June, 2017.

25 By: /s/ Sam Leonard, WSBA #46498
 26 Sam Leonard, WSBA #46498

CERTIFICATE OF SERVICE

I, Erika L. Nusser, hereby certify that on June 2, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 2nd day of June, 2017.

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